

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DEVAN POOL,

Plaintiff,

V.

**280TH DISTRICT COURT HARRIS
COUNTY,**

Defendant.

CIVIL NO. W-23-CV-00447-ADA

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 13. The report recommends Plaintiff Devan Pool's Supplement to his Demand for Writ of Habeas Corpus, ECF No. 10, be **DISMISSED** without prejudice to refiling as a civil rights action. The report and recommendation was filed on June 12, 2024.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on June 14, 2024. ECF No. 14. The Court has conducted a *de novo* review of the supplemental demand for writ of habeas corpus, the report and recommendation, the objection to the report and recommendation, and the applicable laws. After that thorough review,

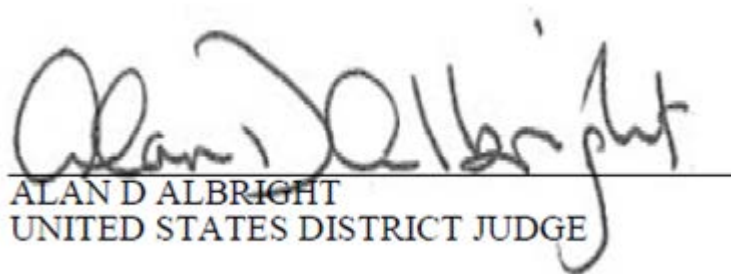
the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland, ECF No. 13, is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's objections are **OVERRULED**.

IT IS FINALLY ORDERED that this case is **DISMISSED** without prejudice to refile as a civil rights action in accordance with the Report and Recommendation.

SIGNED this 17th day of June, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE